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August 24, 2007

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Theresa Noble Hill, Esq.
Rhodes Hieronymus
100 W. 5th Street
Suite 400
Tulsa, OK 74103

VIA ELECTRONIC MAIL

Re: Rule 30(b)(6) deposition notices directed to State of Oklahoma

Dear Theresa:

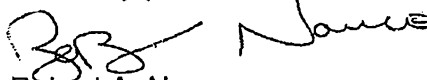
The State has received your August 17 Rule 30(b)(6) deposition notices and your letter of August 22 proposing a different schedule in light of Labor Day.

We want to inform you that, given the breadth and depth of these notices, and other depositions already noticed, the State will be unable to identify and prepare appropriate witnesses even by the schedule proposed in your letter of August 22. In addition, we are concerned that we will face a series of notices on similar topics by other defendants, and want to explore providing these depositions in a consolidated fashion to minimize the burden and expense to the State. We make this suggestion without waiver of any objection the State may have to your notices, their definitions, or the proposed topics to be addressed.

What are your thoughts about the means whereby we can cover these topics in a consolidated set of depositions, rather than by a series depositions conducted by different defendants? We need to broach this subject with all of the defendants. Are you willing to present it to the other defense counsel, or should we do so? Please let us know.

Thank you for your assistance in this regard.

Sincerely yours,


Robert A. Nance
For the Firm

Cc: Kelly Hunter Burch, Esq.
Trevor Hammons, Esq.

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September 7, 2007

Ms. Theresa Noble Hill, Esq.
Rhodes, Hieronymus, Jones,
Tucker & Gable, PLLC
100 W. 5th St., Suite 400
Tulsa, OK 74103-4287

VIA ELECTRONIC MAIL

Re: **State of Oklahoma v. Tyson, et al.** U.S. District Court for the Northern District of
Oklahoma Case No. 05-CV-00329-GKF-SAJ

Dear Theresa:

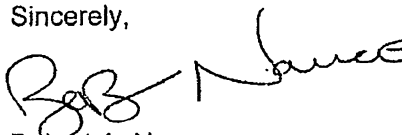
We have received your letter of August 27, 2007 in which you express your reluctance to consolidate your proposed Rule 30(b)(6) depositions of the State with the other Defendants in order to save time and expense for the State, and, for that matter, the Defendants. Your principal reason is that you intend to ask questions specific to the Cargill Defendants, and that no economies could be achieved by consolidating the deposition with those of other Defendants who would presumably want to ask similarly defendant specific questions.

We disagree with your reasoning. Many of the "Cargill specific" areas of inquiry you propose for the State will receive similar answers based upon the nature of the State's case. This process has been previewed in the extensive and overlapping written discovery to which the State has already responded. We urge you to reconsider your position and to join us in approaching the other Defendants in order to consolidate these depositions on reasonable terms which economically meet the needs of all of the parties.

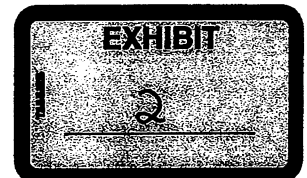
We make this proposal without waiving any objections to or relief from the Rule 30(b)(6) notices which the Cargill Defendants have served upon the State.

Please advise if your clients are willing to reconsider your position and join us in formulating a reasonable and economical approach which will not result in serial deposition of the State's witnesses.

Sincerely,


Robert A. Nance
FOR THE FIRM

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September 7, 2007

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Robert W. George, Esq.
Kutak Rock, LLP
214 W. Dickson Street
Fayetteville, AR 72701-5221

VIA ELECTRONIC MAIL

Re: ***State of Oklahoma v. Tyson, et al.*** U.S. District Court for the Northern District of
Oklahoma Case No. 05-CV-00329-GKF-SAJ

Dear Mr. George:

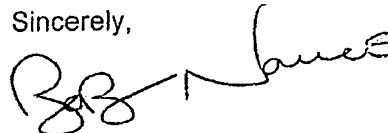
Theresa Hill has informed us that she has shared with you our letter of August 24, 2007 in which we proposed consolidated depositions of the State's 30(b)(6) witnesses in response to the five notices which the Cargill Defendants have served. Copies of these notices are attached hereto for your convenience.

Counsel for the Cargill Defendants have indicated their reluctance to consolidate their Rule 30(b)(6) depositions, based upon the assertion that they wish to ask questions specific to their clients. We have asked the Cargill Defendants to reconsider that position in light of the fact that, as evidenced by the responses to extensive and overlapping written discovery served upon the State, defense counsel, including counsel for the Cargill Defendants, understand full well that, for many of the areas of inquiry they propose, the answers will be the same or similar for all of the Defendants.

We are now asking you directly if, on behalf of your clients, you are willing to organize a consolidated set of depositions of the State's 30(b)(6) witnesses on the general topic areas proposed by the Cargill Defendants. We pose this question without waiving any objections to the Rule 30(b)(6) notices which the Cargill Defendants have served upon the State, but in an effort to streamline discovery and minimize expense for the State and the Defendants as well.

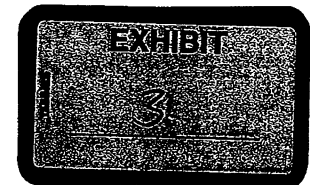
Please advise if you are willing to proceed with discussions toward such a consolidated set of 30(b)(6) depositions.

Sincerely,



Robert A. Nance
FOR THE FIRM

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September 7, 2007

John Elrod, Esq.
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Fayetteville, AR 72701

VIA ELECTRONIC MAIL

Re: State of Oklahoma v. Tyson, et al. U.S. District Court for the Northern District of Oklahoma Case No. 05-CV-00329-GKF-SAJ

Dear Mr. Elrod:

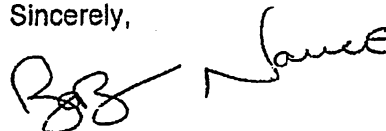
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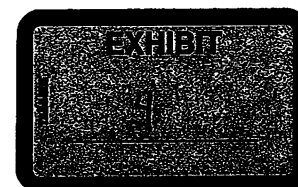
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Sincerely,



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FOR THE FIRM



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MICHAEL P. WOLMACK
GARY W. WOOD
TRACY S. ZAHLE

Of Counsel
Benjamin P. Abney
E. Bryan Hanson
Patricia Regan

September 7, 2007

A. Scott McDaniel, Esq.
McDaniel, Hixon, Longwell, Acord, P.L.L.C.
320 S. Boston Avenue, Suite 700
Tulsa, OK 74103

VIA ELECTRONIC MAIL

Re: ***State of Oklahoma v. Tyson, et al.*** U.S. District Court for the Northern District of Oklahoma Case No. 05-CV-00329-GKF-SAJ

Dear Mr. McDaniel:

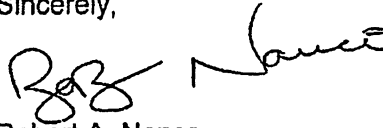
Theresa Hill has informed us that she has shared with you our letter of August 24, 2007 in which we proposed consolidated depositions of the State's 30(b)(6) witnesses in response to the five notices which the Cargill Defendants have served. Copies of these notices are attached hereto for your convenience.

Counsel for the Cargill Defendants have indicated their reluctance to consolidate their Rule 30(b)(6) depositions, based upon the assertion that they wish to ask questions specific to their clients. We have asked the Cargill Defendants to reconsider that position in light of the fact that, as evidenced by the responses to extensive and overlapping written discovery served upon the State, defense counsel, including counsel for the Cargill Defendants, understand full well that, for many of the areas of inquiry they propose, the answers will be the same or similar for all of the Defendants.

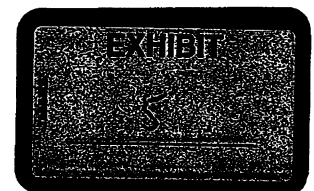
We are now asking you directly if, on behalf of your clients, you are willing to organize a consolidated set of depositions of the State's 30(b)(6) witnesses on the general topic areas proposed by the Cargill Defendants. We pose this question without waiving any objections to the Rule 30(b)(6) notices which the Cargill Defendants have served upon the State, but in an effort to streamline discovery and minimize expense for the State and the Defendants as well.

Please advise if you are willing to proceed with discussions toward such a consolidated set of 30(b)(6) depositions.

Sincerely,


Robert A. Nance
FOR THE FIRM

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Of Counsel
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E. Bryan Hansen
Peter J. Regan

September 7, 2007

James Martin Graves, Esq.
Bassett Law Firm
P.O. Box 3618
Fayetteville, AR 72702

VIA ELECTRONIC MAIL

Re: **State of Oklahoma v. Tyson, et al.** U.S. District Court for the Northern District of
Oklahoma Case No. 05-CV-00329-GKF-SAJ

Dear Mr. Graves:

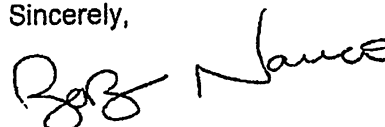
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Counsel for the Cargill Defendants have indicated their reluctance to consolidate their Rule 30(b)(6) depositions, based upon the assertion that they wish to ask questions specific to their clients. We have asked the Cargill Defendants to reconsider that position in light of the fact that, as evidenced by the responses to extensive and overlapping written discovery served upon the State, defense counsel, including counsel for the Cargill Defendants, understand full well that, for many of the areas of inquiry they propose, the answers will be the same or similar for all of the Defendants.

We are now asking you directly if, on behalf of your clients, you are willing to organize a consolidated set of depositions of the State's 30(b)(6) witnesses on the general topic areas proposed by the Cargill Defendants. We pose this question without waiving any objections to the Rule 30(b)(6) notices which the Cargill Defendants have served upon the State, but in an effort to streamline discovery and minimize expense for the State and the Defendants as well.

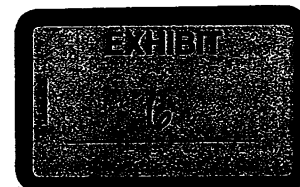
Please advise if you are willing to proceed with discussions toward such a consolidated set of 30(b)(6) depositions.

Sincerely,



Robert A. Nance
FOR THE FIRM

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Of Counsel
Benjamin P. Abney
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Peter J. Regan

September 7, 2007

Robert E. Sanders, Esq.
Young Williams P.A.
P.O. Box 23059
Jackson, MS 39225-3059

VIA ELECTRONIC MAIL

Re: ***State of Oklahoma v. Tyson, et al.*** U.S. District Court for the Northern District of Oklahoma Case No. 05-CV-00329-GKF-SAJ

Dear Mr. Sanders:

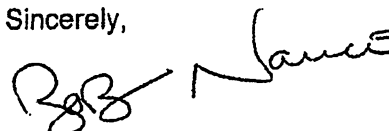
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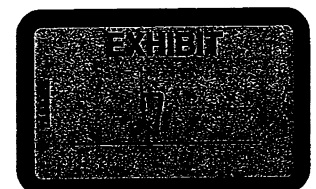
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Sincerely,



Robert A. Nance
FOR THE FIRM



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Kerry R. Lewis
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Theresa Noble Hill
Carye O. Jimerson
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Lindsay J. McDowell
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Hal Crouch (1902-1947)
Chris L. Rhodes (1902-1986)
E. D. Hieronymus (1908-1994)
George W. Gable (1918-2000)

— Est. 1931 —

Daniel D. Draper, III
James D. Johnson
Of Counsel

RhodesHieronymus
O K L A H O M A

Reply to: Theresa Noble Hill
thill@rhodesokla.com

August 27, 2007

Via Email Only

Robert A. Nance
Riggs, Abney, Neal, Turpen, Orbison & Lewis
5801 Broadway Extension, Suite 101
Oklahoma City, OK 73118

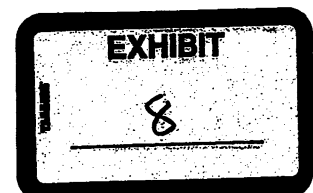
Re: *State of Oklahoma v. Tyson*
Our File No. 1790-2

Dear Bob:

While we are sensitive to the goal of minimizing the burden and expense on all parties to this litigation, we do not believe that the topics in the Cargill Defendants' 30(b)(6) deposition notices are appropriate for consolidation with any future notice that may be served by other Defendants.

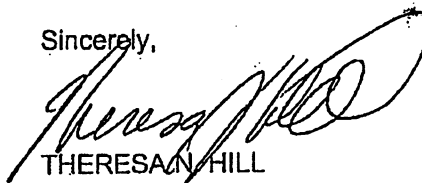
Our Notices are specific to the State's allegations against the Cargill Defendants. We are seeking to depose a representative on what information the State has concerning its allegations against the Cargill Defendants specifically. We do not seek to depose a representative of the State concerning the actions of other Defendants. Many of the topics seek site specific information, such as "[t]he dates, locations and manner in which the Cargill Defendants or their contract growers have failed to properly manage, store or dispose of their poultry litter/poultry waste."

At this time, no other Defendant has served the State with similar 30(b)(6) deposition notices. We have forwarded your correspondence to our co-defendants upon your request. However, in light of the Scheduling Order, it is not realistic to delay any discussion of a schedule for these depositions until such time as another party might issue a similar notice. We are anxious to move forward and confirm dates to complete these depositions prior to the end of September. Please advise us of your availability.



Robert A. Nance
August 27, 2007
Page 2

Sincerely,



THERESA HILL

TNH:man

cc: John Tucker
Del Ehrich
Dara Mann
Bruce Jones

**RHODES, HIERONYMUS, JONES, TUCKER & GABLE, P.L.L.C.
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Daniel D. Draper, III
James D. Johnson
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RhodesHieronymus
O K L A H O M A

Reply to: Theresa Noble Hill
THill@rhodesokla.com

September 7, 2007

Robert A. Nance
Riggs Abney Neal Turpen Orbison & Lewis
5801 Broadway Extension, Suite 101
Oklahoma City, OK 73118

VIA E-MAIL AND REGULAR MAIL

Re: State of Oklahoma v. Tyson, et al.
Our File No.: 1790-2

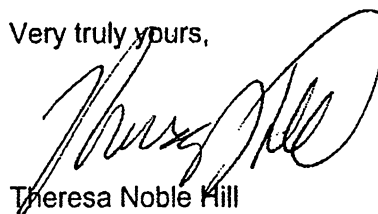
Dear Bob,

We are in receipt of your letter dated September 7, 2007. We are disappointed that you failed to provide any proposed deposition dates, offer any witnesses on any of the topics contained in the 30(b)(6) deposition notices served by the Cargill Defendants, or to provide any dates to meet and confer as we requested. Accordingly, we believe that we have attempted in good faith to meet and confer with you to no avail.

As we previously advised, we are not interested in postponing these depositions for some indefinite period of time in the event that other Defendants seek to serve notices on topics specific to their discovery requests. Unlike others, we are not requiring the State to cure its many deficiencies in its discovery responses before asking Cargill-specific questions.

We intend to move forward with a motion to compel unless the State changes its course and provides us with proposed dates for these depositions no later than Wednesday, September 12, 2007.

Very truly yours,



Theresa Noble Hill

TNH/man
cc: Defense counsel



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LITTLE ROCK, ARKANSAS 72201-3708

501-975-3000

MICHAEL R. BOND
michael.bond@kutakrock.com
(479) 973-4200

September 13, 2007

VIA E-MAIL

Mr. Robert Nance
Riggs, Abney, Neal, Turpen, Orbison & Lewis
502 West Sixth Street
Tulsa, Oklahoma 74119

Re: *Oklahoma, et al. v. Tyson Foods, et al.*
U.S. District Court No. 05-00329 GKF-SAJ

Dear Bob:

We are in receipt of your letter dated September 7, 2007, concerning Defendant Cargill's 30(b)(6) deposition notices to the Plaintiffs. Our understanding of Cargill's notices is that they are specific to Cargill and that Cargill desires that the notices and the depositions taken thereunder remain that way. The Tyson Defendants do not wish to consolidate its currently unnoticed 30(b)(6) depositions of the Plaintiffs with the depositions noticed by Cargill.

Sincerely,

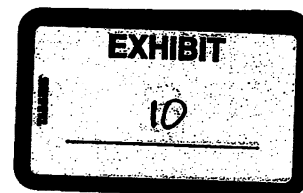


Michael R. Bond

Mrb

cc: All counsel of record

4822-1139-0977.1



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Donn C. Meindersma*

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1879-1963
John M. Winters, Jr.
1901-1989

*Not Admitted in Oklahoma
**Not Admitted in Arkansas

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J. Ryan Sacra
Jason S. Taylor
Katy Day Inhofe
Julia Forrester-Sellers
Melinda L. Kirk
Debra R. Stockton
P. Bradley Bendure

September 17, 2007

VIA E-MAIL

Bob Nancy
Riggs, Abney, Neal, Turpen,
Orbison & Lewis
The Paragon Bldg., Suite 101
5801 Broadway Extension
Oklahoma City, OK 73118-7489

Re: *State of Oklahoma v. Tyson Foods, Inc., et al*

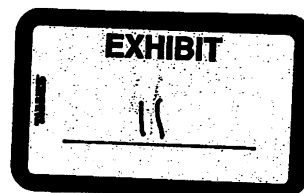
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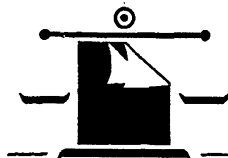
I am in receipt of your letter dated September 7, 2007, in which you asked whether we want to consolidate any 30(b)(6) depositions of the Plaintiff that we may want to take with the 30(b)(6) depositions noticed by Cargill. We are not interested in doing so. The topics contained in the 30(b)(6) notices issued by Cargill are very specific to Cargill. Likewise, if Simmons desired to conduct similar 30(b)(6) depositions of the Plaintiff the topics would be very specific to Simmons. Thus, the topics are impossible to consolidate.

Sincerely,


Vicki Bronson

cc: Counsel of record





McDANIEL,
HIXON,
LONGWELL &
ACORD, PLLC
ATTORNEYS AND COUNSELORS

320 S. Boston Ave,
Suite 700,
Tulsa, Oklahoma 74103

- Office: (918) 382-9200
- Facsimile: (918) 382-9282

September 13, 2007

Via E-mail

Robert A. Nance
Riggs Abney
5801 N. Broadway, Suite 101
Oklahoma City, OK 73118

Re: Oklahoma
Inquiry Regarding 30(b)(6) Depositions

Dear Bob:

This responds to your letter of September 7 inquiring whether or not Peterson Farms would be interested in consolidating its deposition of the Plaintiff in this matter with the other Defendants. Your inquiry was prompted by the 30(b)(6) Notices served on the Plaintiff by the Cargill defendants. We respectfully decline your offer.

It appears from the Notices that the Cargill defendants desire and are prepared to take the deposition(s) of the Plaintiff on topics specific only to the Cargill defendants. The procedure they are pursuing appears both permissible and proper under the Rules. Peterson Farms is not in a position at this time to take 30(b)(6) depositions of the Plaintiff with regard to the allegations made against it, and it has no desire to cause a delay in the Cargill defendants' plan to conduct these depositions now. Peterson Farms has the prerogative to take depositions of the Plaintiff's representatives to determine what, if any basis the Plaintiff had for suing it, and will do so at a time of its choosing when, and if, the Plaintiff fully complies with its discovery obligations.

Best regards,

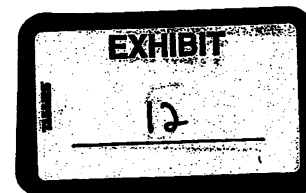
McDANIEL, HIXON, LONGWELL & ACORD, PLLC


A. Scott McDaniel

ASM:jlw

cc: Plaintiff and Defendant Counsel of Record (*Via E-mail*)

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IN MISSOURI

LINDA DOVER
OFFICE MANAGER

September 10, 2007

RE: State of Oklahoma v. Tyson, et al.
USDC ND Oklahoma
Case No.: 05-CV-00329-GKF-SAJ

Robert A. Nance
Riggs, Abney, Neal,
Turpen, Orbison & Lewis
The Paragon Building Suite 101
5801 Broadway Extension
Oklahoma City, Oklahoma 73118-7489

Dear Bob:


Thank you for your September 7, 2007 correspondence. As you have indicated is the case with Cargill, we too are reluctant to consolidating any Rule 30(b)(6) depositions. We will have topics and questions that are specific to George's, and our Notice(s) will likely differ in some substantive ways as a result.

Accordingly, at this time we cannot agree to consolidation of such depositions, and would suggest that you move forward with scheduling the State witnesses implicated by Cargill's Notices at this time.

Please let me know if you have any further questions.

Sincerely,

BASSETT LAW FIRM LLP


James M. Graves

JMG/jea





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September 13, 2007

--- via e-mail ---

Bob Nance
Riggs, Abney, etc.
502 West Sixth Street
Tulsa, OK 74119-1010

re: Oklahoma v. Tyson Foods, et al.,
Civil Action No. 4:05cv329-JOE-SAJ

Dear Mr. Nance,

I am responding to your letter of September 7 regarding Cargill's deposition notices to the plaintiff. As I appreciate Cargill's notices, the areas of inquiry appear to be Cargill-specific. Also, Cargill has apparently rejected the notion of having its deposition notices joined by other defendants. Accordingly, Cal-Maine has no interest in attempting to consolidate Cal-Maine depositions of the plaintiff with the depositions noticed by Cargill.

Sincerely,

Robert E. Sanders

RES/vs

